EUROPEAN CONSUMER PROTECTION

This volume analyses the theory and practice of European consumer protection in the context of consolidation initiatives seen, *inter alia*, in the revision of the consumer *acquis*, the Draft Common Frame of Reference and the proposal for an EU Consumer Rights Directive. The issues addressed are all the more significant given the passage of the Consumer Rights Directive, the appointment of an Expert Group on a Common Frame of Reference, the Commission’s 2010 Green Paper on progress towards a European Contract Law and the proposal for a Common European Sales Law. The contributions to this volume point to the arrival of a contested moment in EU consumer protection, questioning the arrival of the ‘empowered’ consumer and uncovering the fault lines between consumer protection and other goals. What emerges is a model of polycontextual EU consumer protection law, a model that challenges the assumptions in both the 2010 Green Paper and more recent initiatives.

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EUROPEAN CONSUMER PROTECTION
Theory and Practice

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CONTENTS

Preface ix

PART I Consumer protection strategies and mechanisms in the EU 1

1 From minimal to full to ‘half’ harmonisation 3
Norbert Reich

2 Comment: the future of EU consumer law – the end of harmonisation? 6
Christian Twigg-Flesner

3 Two levels, one standard? The multi-level regulation of consumer protection in Europe 21
Vanessa Mak

4 A modernisation for European consumer law? 43
Cristina Poncibò

5 Effective enforcement of consumer law: the comeback of public law and criminal law 64
Peter Rott

6 E-consumers and effective protection: the online dispute resolution system 82
Immaculada Barral-Viñals

7 Unfair terms and the Draft Common Frame of Reference: the role of non-legislative harmonisation and administrative cooperation? 99
James Devenney and Mel Kenny
PART II Conceptualising vulnerability

8 The definition of consumers in EU consumer law 123
BASTIAN SCHÜLLER

9 Recognising the limits of transparency in EU consumer law 143
CHRISS WILLETT AND MARTIN MORGAN-TAYLOR

10 The best interests of the child and EU consumer law and policy: a major gap between theory and practice? 164
AMANDINE GARDE

11 Protecting consumers of gambling services: some preliminary thoughts on the relationship with European consumer protection law 202
ALAN LITTLET

PART III Contextualising consumer protection in the EU 237

12 Consumer protection and overriding mandatory rules in the Rome I Regulation 239
CHRISTOPHER BISPING

13 Determining the applicable law for breach of competition claims in the Rome II Regulation and the need for effective consumer collective redress 257
LORNA GILLIES

14 Horse sales: the problem of consumer contracts from a historical perspective 282
WARREN SWAIN

15 The role of private litigation in market regulation: beyond ‘legal origins’ 300
AXEL HALFMEIER

16 Advertising, free speech and the consumer 313
PAUL WRAGG

17 Are consumer rights human rights? 336
MONIKA JAGIELSKA AND MARIUSZ JAGIELSKI
Consumer protection in a normative context: the building blocks of a consumer citizenship practice  
Jim Davies  
354

Recommended changes to the definitions of ‘auction’ and ‘public auction’ in the proposal for a directive on consumer rights  
Christine Riefa  
378

Consumer law regulation in the Czech Republic in the context of EU law: theory and practice  
Blanka Tomancova  
397

Resistance towards the Unfair Terms Directive in Poland: the interaction between the consumer acquis and a post-socialist legal culture  
Rafal Manko  
412

PART IV  Conclusions  
435

European consumer protection: theory and practice  
Mel Kenny and James Devenney  
437

Index  
450
This book emanates from a duo-colloquium – Consumer Protection in Europe: Theory and Practice – hosted by the Centre for European Law and Legal Studies at Leeds University, in association with the Institute of Commercial and Corporate Law at Durham University, in December 2009. That conference, which has also given rise to a second edited collection (Consumer Credit, Debt and Investment in Europe (Cambridge University Press, 2012)), explored consumer protection in Europe in the context of the then proposed Consumer Rights Directive, efforts to consolidate the consumer acquis and the Draft Common Frame of Reference. The issues explored by that conference are even more relevant today given, for example, the passage of the Consumer Rights Directive, the Commission’s appointment of an Expert Group on a Common Frame of Reference in the area of European contract law, the Commission Green Paper on policy options for progress towards a European Contract Law for consumers and businesses, and the proposal for a Common European Sales Law (CESL).

The conference was the second in a series of events organised within the work programme 'Credit and Debt: Protecting the Vulnerable in Europe', a project placing special emphasis on vulnerability in financial transactions and then based at the Centre for European Law and Legal Studies at Leeds Law School. The project owes its genesis to work originally organised under the umbrella of the Commission’s Sixth Framework Programme (FP6) on the protection of vulnerable family

1 Available at http://ec.europa.eu/consumers/rights/docs/COMM_PDF_COM_2008_0614_F_EN_PROPOSITION_DE_DIRECTIVE.pdf.
sureties. This was an ambitious transfer of knowledge project coordinated by Dr Aurelia Colombi Ciacchi, who was then at the Centre for Law and Politics at Bremen University, and Professor Stephen Weatherill at the Institute of European and Comparative Law at Oxford. It was only logical to develop some of the ideas which can be traced to that original research in Bremen – with the valuable collaboration of Professor Gert Brüggemeier (Bremen), Professor Gerry McCormack (Leeds) and Professor Sjef van Erp (Maastricht) – in this project.

The collection is divided into three parts. Part I casts a critical light over consumer protection strategies and mechanisms in the EU, with particular emphasis on the rationales (and bases) for EU consumer protection law, effective enforcement, the modernisation agenda in European private law, the post-Lisbon policy matrix and the constitutionalisation of consumer protection. Part II deals with concepts of vulnerability in the context of consumer protection and critically explores responses to vulnerability in this context. This part poses, illuminates and seeks to resolve key questions about the proper scope of European consumer protection law. Part III contextualises various aspects of European consumer protection law. This part integrates perspectives from private international law, historical analysis of consumer protection in action, critical analysis of the role of private litigation in market regulation, public law influences on consumer protection standards, and the citizenship implications of consumer protection. Thus intriguing insights are offered as to aspects of consumer protection in individual Member States.

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Since the organisation of this conference and the publication of this collection, we have both moved to new pastures: Mel to found the Research Group on Credit, Debt and Consumer Protection at Leicester University and James to a Chair in Commercial Law at the University of Exeter. Information on the ongoing work and forthcoming events under the project can be obtained from the editors.

This collection is dedicated to our parents.

Mel Kenny and James Devenney
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